

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241

JOHN SANTOS
PETITIONER
(Full name of Petitioner)

TARRANT COUNTY JAIL
CURRENT PLACE OF CONFINEMENT

vs.

CID #0964531
PRISONER ID NUMBER

BILL WAYBOURN, TARRANT COUNTY
RESPONDENT SHERIFF
(Name of TDCJ Director, Warden, Jailor, or
authorized person having custody of Petitioner)

4:22-cv-463
CASE NUMBER
(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed and dated by the Petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except that ONE separate additional page is permitted in answering question 10.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show

that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only one sentence, conviction, disciplinary proceeding, or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petition(s).
6. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices.
7. It is your responsibility to immediately notify the court in writing of any change of address. Failure to notify the court of your change of address could result in the dismissal of your case.

PETITION

PLEASE COMPLETE THE FOLLOWING: (check the appropriate number)

This petition concerns:

1. ☐ ☐ pretrial detention;
2. ☐ ☐ a conviction;
3. ☐ ☐ a sentence;
4. ☐ ☐ jail or prison conditions;
5. ☐ ☐ a prison disciplinary proceeding;
6. ☐ ☐ parole or mandatory supervision;
7. ☐ ☐ time credits;
8. ☐ ☒ other (specify): Defendant is being unlawfully detained.

Have you pursued to completion all relevant state and/or prison administrative remedies relevant to your complaint(s) before filing this petition. Yes ☒ No If yes, what was the date of the result and the result of any such proceeding. If no, explain why you have not pursued all such remedies. None are applicable. Defendant was allegedly detained pursuant to a U.S. Marshall's warrant

but has never been served with the warrant.

1. Place of detention: Tarrant County Jail, 100 N. Lamar Street, Fort Worth, Texas 76198.

2. State the offense with which you have been charged and whether you have been convicted of the charged offense(s) or whether you are still awaiting trial: Unknown has not received a copy of
any arrest warrant. Has not been convicted.

3. Name and location of court in which your case is pending or in which you were convicted: Unknown, Defendant has not been served with arrest warrant. Defendant assumes the case is
pending in the Fort Worth Division of Northern District of Texas

4. The criminal docket or case number and the offense(s) for which you have been charged or convicted: Unknown

5. If you have been convicted of the charged offense(s), the date upon which sentence was imposed and the length of the sentence: Defendant has not been convicted.

6. Check whether a finding of guilty was made:
 - a. after a plea of guilty ☐ ☐
 - b. after a plea of not guilty ☐ ☐
 - c. after a plea of nolo contendere ☐ ☐
7. If you were found guilty, check whether that finding was made by:
 - a. a jury ☐ ☐
 - b. a judge without a jury ☐ ☐
8. Did you appeal from the judgment of conviction or the imposition of sentence?

YesNo

9. If you did appeal, give the following information for each appeal:

a. (1) Name of court and docket or case number:

(2) Result and date of result:

(3) Grounds raised (list each):

(a)

(b)

(c)

(d)

b. (1) Name of court and docket or case number:

(2) Result and date of result:

(3) Grounds raised (list each):

(a)

(b)

(c)

(d) _____

10. State concisely every ground on which you claim that you are held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a single page only behind page 6.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. Do not argue or cite law. Just state the specific facts that support your claim. Legal arguments and citation to cases or law should be presented in a separate memorandum.

a. **GROUND ONE:**

Defendant is being held in violation of the 4th Amendment to the United States Constitution.

and in violation of Rules 4 and 5 of the Federal Rules of Criminal Procedure.

Supporting facts: Defendant was arrested by Tarrant County Sheriff's Deputys on 5/13/22. He
is allegedly being held pursuant to a U.S. Marshall's warrant, however he has never seen or
received a copy of any warrant. As of 5/28/2022, Defendant has not had an Initial Appearance,
Preliminary hearing, or Detentiona hearing.

b. **GROUND TWO:**

Supporting facts: _____

c. **GROUND THREE:**

Supporting facts:

d. **GROUND FOUR:**

Supporting facts:

11. Relief sought in this petition: Release from Detention.

12. Have you filed a previous application or petition for habeas corpus or any other application, petition or motion with respect to the grounds raised in this petition?

Yes ☒ No

13. If your answer to Question No. 12 is yes, give the following information as to each previous application, petition, or motion:

a. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

b. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

14. If applicable, state whether you have filed a motion under 28 U.S.C. § 2255, and if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

15. Are you presently represented by counsel? ☒ Yes ☐ No
If so, name, address and telephone number of attorney: Russell King, King Law Offices, P.C.,
19211 S. U.S. Hwy. 377, Dublin, Texas 76446, email: rking2010@gmail.com, 254-968-8777

16. If you are seeking leave to proceed *in forma pauperis*, have you completed an application setting forth required information? Yes No

Wherefore, Petitioner prays that the Court grant him the relief to which he may be entitled.

/s/ Russell W. King

Signature of Attorney (if any)

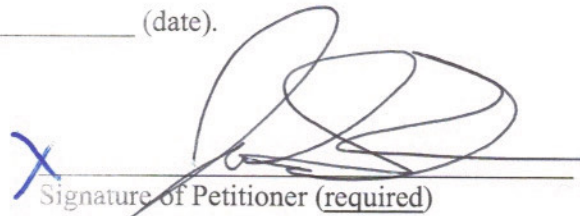
SBN 11463400

19211 S US Hwy 377, Dublin, Texas 76446

rking2010@gmail.com; tel. 254-968-8777

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on 5/29/22 (month, day, year).

Executed (signed) on 5/29/22 (date).

A handwritten signature in blue ink, appearing to be 'Russell W. King', is written over a horizontal line. To the left of the signature is a blue 'X' mark.

Signature of Petitioner (required)

Petitioner's current address:

7th Floor

Tarrant County Jail

100 N. Lamar Street

Fort Worth, Texas 76198